

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CIVIL NO. 08-000493 SOM/KSC
)	
Plaintiff,)	ORDER DENYING PLAINTIFF'S
)	MOTION TO STAY ORDER PENDING
vs.)	OUTCOME OF THE APPEAL
)	
MICHAEL WILLIAM FLAHERTY,)	
MARGARET RONA LEE FLAHERTY,)	
BANK OF HAWAII, STATE OF)	
HAWAII DEPARTMENT OF)	
TAXATION,)	
)	
Defendants.)	

ORDER DENYING PLAINTIFF'S MOTION TO
STAY ORDER PENDING OUTCOME OF THE APPEAL

Pro se Plaintiff Michael Flaherty has filed a Notice of Appeal (ECF No. 88) and a Motion to Stay Order Pending Outcome of Appeal (ECF No. 87). The court denies the motion to stay.

To the extent Flaherty is seeking an appeal, he must wait for a final judgment. As this court has not issued a Rule 54(b) certification under the Federal Rules of Civil Procedure of any ruling, an appeal may not be taken at this time. Nor has this court stated that an interlocutory appeal under 28 U.S.C. § 1292(b) is appropriate.

Because Flaherty's appeal is premature, he states no legitimate basis for the requested stay. The court denies Flaherty's motion to stay.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, January 27, 2011



/s/ Susan Oki Mollway
Susan Oki Mollway
Chief United States District Judge

United States v. Michael Flaherty, Civ. No. 08-000493 SOM/KSC; ORDER DENYING
PLAINTIFF'S MOTION TO STAY ORDER PENDING OUTCOME OF THE APPEAL.